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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	88458681
Applicant	OptConnect Management, LLC
Applied for Mark	OPTCONNECT MANAGED WIRELESS SOLUTIONS
Correspondence Address	GLENN A GUNDERSEN DECHERT LLP CIRA CENTRE 2929 ARCH STREET PHILADELPHIA, PA 19104-2808 UNITED STATES Primary Email: trademarks@dechert.com Secondary Email(s): gayle.denman@dechert.com 215-994-4000
Submission	Applicant's request for postponement of oral hearing, suspension, and consolidation
Attachments	Applicant Request for Postponement of Oral Hearing Suspension and Consolidation.pdf(78885 bytes)
Filer's Name	Gayle Denman
Filer's email	trademarks@dechert.com, gayle.denman@dechert.com
Signature	/Gayle Denman/
Date	10/20/2021

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Applications of OptConnect Management, LLC

Application Serial Nos. 88/458,653, 88/458,681, and 88/458,583

Trademarks: OPTCONNECT,
OPTCONNECT MANAGED WIRELESS SOLUTIONS & Design,
and OPTCONNECT EMA

Filing Date: June 4, 2019

**APPLICANT'S REQUEST FOR POSTPONEMENT OF ORAL HEARING,
SUSPENSION, AND CONSOLIDATION**

Applicant has three pending applications for registration of its OPTCONNECT mark:

- OPTCONNECT (SN 88/458,653)
- OPTCONNECT MANAGED WIRELESS SOLUTIONS & Design (SN 88/458,681)
- OPTCONNECT EMA (SN 88/458,583)

The examining attorney has issued final refusals on the first two applications, and appeals on those two applications are pending before the Board. On October 18, 2021, the Board scheduled an oral hearing on those two applications, to occur on November 4, 2021.

However, the third application, for OPTCONNECT EMA (SN 88/458,583), is still on remand to the examining attorney, who has yet to act on it.

Applicant respectfully requests that the Board (i) postpone this oral hearing, (ii) suspend proceedings on applications Serial Nos. 88/458,653 and Serial No. 88/458,681 until application Serial No. 88/458,583 for OPTCONNECT EMA is returned from the Examining Attorney's remand and, if necessary, briefing on this application is completed, and (iii) consolidate all three co-pending applications into a single proceeding, for a single oral hearing.

Applicant previously filed its appeal brief appealing the refusal of co-pending application Serial No. 88/458,583 for OPTCONNECT EMA, and submitted with this appeal brief Applicant's coexistence agreement with the owner of one of the two marks cited against the application. The application was then

remanded to the Examining Attorney for consideration of Applicant's coexistence agreement, and remains on remand with the Examining Attorney. If the Examining Attorney withdraws his citation of the subject mark of the coexistence agreement but maintains his citation of Reg. No. 3914101 of OPCONNECT, then application Serial No. 88/458,583 will be refused on the same single ground as application Serial No. 88/458,653 for OPTCONNECT and application Serial No. 88/458,681 for OPTCONNECT MANAGED WIRELESS SOLUTIONS & Design – namely, likelihood of confusion with Reg. No. 3914101. All three refused co-pending applications incorporate the wording OPTCONNECT and specify identical or related goods and services. Accordingly, the appeals of all three marks will involve common issues of law and fact, which Applicant respectfully submits would be adjudicated most efficiently in a single consolidated proceeding, with a single oral hearing.

In light of the foregoing, Applicant respectfully requests that the Board (i) postpone the oral hearing in the matter of application Serial No. 88/458,653 for OPTCONNECT and application Serial No. 88/458,681 for OPTCONNECT MANAGED WIRELESS SOLUTIONS & Design, (ii) suspend proceedings on both applications until the Examining Attorney issues a decision on application Serial No. 88/458,583 for OPTCONNECT EMA and, if necessary, briefing on application Serial No. 88/458,583 is completed, and (iii) consolidate the three co-pending applications into a single proceeding for a single oral hearing.

Dated: October 20, 2021

By: /Gayle Denman/

Glenn A. Gundersen
Gayle Denman
DECHERT LLP
2929 Arch Street
Philadelphia, PA 19104-2808
(215) 994-2183
Counsel for OptConnect Management, LLC